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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

HOOD RIVER VALLEY RESIDENTS COMMITTEE, an Oregon non-profit corporation; MIKE MCCARTHY, individually; HOOD RIVER COUNTY by and through the Board of County Commissioners of Hood River County, an Oregon municipal corporation; CLACKAMAS COUNTY, by and through the Board of County Commissioners of Clackamas County, an Oregon municipal corporation, and MT. HOOD MEADOWS OREGON, LLC, an Oregon limited liability corporation.

*Plaintiffs,*

v.

JIM PEÑA, Regional Director of Region 6 of the Forest Service; LISA NORTHROP, Supervisor, Mt. Hood National Forest; THOMAS L. TIDWELL, Chief, Forest Service; & UNITED STATES FOREST SERVICE, an Administrative Agency of the U.S. Department of Agriculture,

*Defendants.*

Case No.: 3:15-cv-01397-BR

**STIPULATED ORDER STAYING  
FURTHER PROCEEDINGS**

The parties hereby stipulate to a stay of any and all further proceedings in the above-captioned action, subject to the set of the following specific conditions:

- The parties agree that this stipulated stay will remain in effect: (1) at least unless and until any target completion date for a specific remaining milestone set forth in the schedule the Forest Service filed with the Court on Feb. 12, 2016 (Dkt. #26-3), is missed, at which time any party may move to lift the stay; or (2) until the land exchange at issue in the litigation is completed. To facilitate transparency and oversight of the ongoing implementation of the Land Exchange by the parties and the Court, the parties have agreed on two specific exceptions to the stay of proceedings as specifically identified in the two items set forth immediately below.

- During the pendency of the stipulated stay, the parties agree to continue to file monthly joint status reports on the progress that continues to be made to implement the Land Exchange by the second Tuesday of each calendar month; toward this end, Defendants agree to continue to provide a draft of each such report for Plaintiffs' counsel to review one week prior to the filing deadline each month, and Plaintiffs' counsel agree to coordinate their feedback and/or proposed edits and provide a single response to the circulated draft that represents the collective position of all Plaintiffs on the draft that Defendants' counsel has circulated for review.

- For at least as long as the stipulated stay remains in effect, the Forest Service agrees to lodge a supplement to the administrative record underlying its implementation of those portions of the Land Exchange for which it is responsible upon completion of each of the following specific milestones in implementation of the Land Exchange, per the following time frame:

- >A supplement extending through the date of the closure of the public-comment period on the Draft Environmental Impact Statement on the Land Exchange the Forest Service recently published and made available for public review, to be lodged within 60 days of that date.

- >A supplement extending through the date of the submission of the appraisal being prepared in support of the Land Exchange by Maloy & Co. to the Forest Service Review Appraiser, to be lodged within 45 days of that date. The Forest Service notes in this regard that, per its guidance, the appraisal itself will not be included in this supplement, insofar as such guidance provides that the appraisal cannot be provided even to agency officials working on the Land Exchange on the Mt. Hood National Forest or MHMO, the other party to the exchange, until after it has been reviewed and formally approved for Agency use by a Forest Service Review Appraiser. Upon receiving such approval, the appraisal can then be internally released to Forest Service officials and MHMO, but, per agency guidance, may not be released externally

to others who are not direct parties to the Land Exchange except via an appropriate request made pursuant to the Freedom of Information Act (“FOIA”), in the absence of legislation specifically directing that external release of the approved appraisal be made otherwise or via other means. Defendants’ counsel will work with the Forest Service to expedite to the extent practicable the agency’s response to any FOIA request seeking a copy of the approved appraisal in this regard.

>A supplement extending through the date the Forest Service issues the Final Record of Decision and Final Environmental Impact Statement on the Land Exchange, to be lodged within 45 days of that date.

- The parties agree that each of them is entering into this stipulation for a stay of further proceedings wholly volitionally in response to the inquiry of the Court and that the request does not relate in any manner whatsoever to the merits of Plaintiffs’ pending claim at issue in the cross-motions for summary judgment or any of the relief that Plaintiff seek in this litigation, nor shall the request be construed or considered as any indication of the relative strength or weakness, or success, of any party’s position on any of the issues involved in this action.

Pursuant to the Court’s request, the parties respectfully ask the Court to approve the foregoing stipulation by signing on the signature block provided for that purpose below.

Jointly and respectfully submitted this 10th day of November 2016.

FOR PLAINTIFFS:  
**Crag Law Center**

s/ Ralph O. Bloemers  
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**Hood River County Counsel**


s/ Wilford K. Carey  
Judge Wilford K. Carey, OSB# 720477  
*For Plaintiff Hood River County*

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s/ Jonathan M. Radmacher  
Jonathan M. Radmacher, OSB# 924314  
*For Plaintiff Mt. Hood Meadows Oregon, LLC*

After having reviewed the foregoing stipulation of the parties to stay further proceedings,  
I hereby APPROVE the Stipulation & ORDER that further proceedings in this action are stayed  
as of this date consistent with the Stipulation's terms.

DATED this 13<sup>th</sup> day of December 2016.

  
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THE HONORABLE ANNA J. BROWN  
United States District Judge